

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Office Action mailed December 1, 2004, claims 1-4 have been rejected. In response, the Applicants have submitted the following remarks, amended claims 1 and 3, cancelled claim 2 and added new claim 5. Accordingly, claims 1 and 3-5 are pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Claim Objections

Within the Office Action, claims 1 and 2 have been objected to due to a number of informalities. The Applicants respectfully submit that the appropriate corrections have been made to claim 1 by the above amendment. Claim 2 has been cancelled.

Rejections Under 35 U.S.C. §103

Within the Office Action, claims 1-4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,893,321 to Eitner et al (hereinafter Eitner) in view of U.S. Patent No. 6,434,329 to Dube et al (hereinafter Dube). The Applicants respectfully disagree with this rejection.

Eitner teaches an x-radiator, particularly for producing intra-oral dental exposures. Eitner further teaches a linkage for an x-ray source including three separate members, each member being rotatable about an axis. As recognized by the Office Action, Eitner does not teach an x-ray apparatus wherein a first arm member is designed to be adjustable regarding its length.

Dube teaches a controllable camera support including a pivoting arm adapted to be rotatably connected to a pivot point defining a first rotational axis [Dube, Abstract]. The controllable camera support in Dube includes a first arm designed to be adjustable in length. However, Dube does not teach an inner profile having recesses formed in a

lengthwise direction along its opposite sides, nor an outer profile telescopically fitted to the inner profile having inward protrusions corresponding to each of the recesses of the inner profile. As is recognized in the Office Action, Dube also does not disclose the inner profile having T-slots and the outer profile having fastening through-holes for passage of fastening elements from the through holes to the T-slot for locking the profiles in a desired position.

In contrast to the teachings of Eitner, Dube and their combination, the x-ray apparatus of the present invention includes an arm member having an inner profile and an outer profile where the inner profile includes a recess formed in two opposite sides corresponding to protrusions in the outer profile, such that the inner profile and the outer profile are telescopically fitted. The present invention also includes a set of fastening elements that extend through a set of fastening holes in the outer surface of the outer profile to a set of T-slots configured on a bottom side of the inner profile, thus locking the inner profile and the outer profile in a desired position.

Within the Office Action, it is stated that while Eitner does not disclose an x-ray apparatus having an inner profile having T-slots and an outer profile provided with fastening through holes for passage of the fastening elements from the outside profile to the T-slot for locking the profiles in the desired position, one would have been motivated to make such modifications for the purposes of improving the structural rigidity of the disclosed first arm member by providing an inner profile with shaped slots and covers to enhance connectivity with a complimentary outer profile, and improving positionability of the apparatus by including fastening elements to secure a desired arm length subsequent any length adjustments, as suggested by Dube in column 4, lines 42-53, column 6, lines 29-38, and column 10, lines 31-37. However, after reviewing the cited portions of Dube, the Applicants fail to find any teaching or suggestion towards the inclusion of fastening elements to secure a desired arm length.

Furthermore, neither Eitner, Dube nor their combination, teach an inner profile having a lengthwise recess to telescopically fit within the outer profile having a

corresponding protrusion. In fact, Dube teaches an inner rectangle piece having a protrusion, not a recess [Dube, Figure 9]. Therefore, the structure described in Dube would actually teach away from that which is described in the present invention. In other words, the present invention is not obvious as the structure of the arm member in Dube is not recessed, rather protruding. Likewise, Dube does not teach or suggest an outer profile having protrusions nor fastening elements of any kind.

The amended independent claim 1 and the new independent claim 5 are directed to an x-ray apparatus having an arm member comprising an inner profile, an outer profile, wherein the inner and outer profile are telescopically fitted by fitting a lengthwise recess in an inner profile with a corresponding protrusion in the outer profile. The arm member also includes a set of fastening elements configured to extend through the outer surface of the outer profile into a set of T-slots configured on a bottom side of the inner profile, such that the T-slots are configured to receive the set of fastening elements, thus locking the inner profile and the outer profile in a desired position.

As described above, neither Eitner, Dube nor their combination teach the feature of the inner profile and the outer profile being telescopically fitted with a recess and a protrusion, nor a set of fastening elements configured through the outer and inner profile and locking them in a desired position with a set of T-slots. For at least these reasons, the independent claims 1 and 5 are allowable over the teachings of Eitner, Dube and their combination.

Claims 3 and 4 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Eitner, Dube and their combination. Accordingly, the dependent claims 3 and 4 are also allowable as being dependent upon an allowable base claim.

The Applicants further submit that the age of the cited references indicates a lack of some teaching or suggestion supporting the combination. The Eitner patent was filed on November 16, 1987. The Dube patent has a filing date of May 12, 2000. Even with the benefit of a filing date that is almost thirteen years later than Eitner, Dube still does

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not include some teaching or suggestion that the art taught in each reference can and should be combined. In other words, there is no teaching or suggestion in either reference to make the combination made in the Office Action.

For the reasons given above, Applicants respectfully submit that the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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